

Effective May 4, 2004. Subject to further change after comment period.

1 Rule 11-303. Special admission exception for military lawyers.

2 Intent:

3 To provide limited admission for qualified military attorneys to represent military members
4 and their dependents who are under substantial financial hardship.

5 Applicability:

6 This rule shall apply to military attorneys who reside in Utah and who are not members of
7 the Utah State Bar to provide limited legal services to qualified military members and their
8 dependents.

9 Statement of the Rule:

10 (1) Exception for military lawyers to practice in Utah. A lawyer admitted to the practice of
11 law in a state or territory of the United States or of the District of Columbia, who is a full-time
12 active duty military officer serving in the Office of a Staff Judge Advocate of the United States
13 Army, Air Force, Navy, Marines, or Coast Guard, a Naval Legal Service Office or a Trial
14 Service Office, located in the State of Utah, may, upon application to the Utah State Bar and
15 Supreme Court certification, appear as a lawyer and practice law before the courts of this state in
16 any civil matter or civil litigation, or in a civil administrative proceeding, subject to the following
17 conditions and limitations set forth in this Rule.

18 (2) Application requirements.

19 (2)(A)The applicant must be of good moral character and shall apply to the Utah State Bar
20 by:

21 (2)(A)(i) filing an application in the form and manner that may be prescribed by the Utah
22 State Bar Board of Bar Commissioners;

23 (2)(A)(ii) presenting satisfactory proof of admission to the practice of law and current good
24 standing as a member of the licensing bar in any state or territory of the United States or the
25 District of Columbia;

26 (2)(A)(iii) furnishing whatever additional information or proof that may be required in the
27 course of processing the application; and

28 (2)(A)(iv) pay a \$10.00 processing fee.

29 (3) Certification. Permission for an applicant under this Rule to practice law shall become
30 effective upon approval by the Utah State Bar and certification by the Utah Supreme Court.

31 (4) Prohibition on holding forth. Military lawyers admitted to practice pursuant to this Rule
32 are not, and shall not represent themselves to be members of the Utah State Bar nor represent
33 that they are licensed to generally practice law in Utah.

34 (5) Scope of representation permitted. Military lawyers admitted pursuant to the Rule may
35 represent active duty military personnel in enlisted grades E-1 through E-4 and their dependents,
36 who are under substantial financial hardship, in non-criminal matters to the extent such
37 representation is permitted by the supervisory Staff Judge Advocate or Commanding Officer, of
38 the Naval Legal Service Office or the Commanding Officer of the Trial Service Office. They
39 may also engage in such other preparatory activity as is necessary for any matter in which the
40 military attorney is involved. Other active duty military personnel and their dependants may be
41 represented if expressly approved in writing by the Service Judge Advocate General or his or her
42 designee.

43 (6) Prohibition on compensation. Military lawyers admitted pursuant to this Rule may not
44 demand or receive any compensation from clients in addition to the military pay to which they
45 are already entitled.

46 (7) Jurisdiction and authority. The practice of a lawyer admitted under this Rule shall be
47 subject to the Utah Rules of Professional Conduct and the Utah Rules for Lawyer Discipline and
48 Disability, and to all other laws and rules governing lawyers admitted to the Utah State Bar
49 where applicable. Jurisdiction shall continue whether or not the military lawyer retains the
50 privilege to practice in Utah and irrespective of the residence or domicile of the military lawyer.

51 (8) Termination of privilege and certification.

52 (8)(A) The military lawyer's privilege to practice under this Rule:

53 (8)(A)(i) may be terminated by the Supreme Court at any time with or without cause; or

54 (8)(A)(ii) shall be terminated when the military lawyer ends active duty military service in
55 this state.

56 (8)(B) The lawyer admitted under this Rule and his or her supervisory Staff Judge Advocate
57 or his or her Commanding Officer are responsible to advise the Utah State Bar and the Supreme
58 Court of any change in status of the lawyer that may affect his or her privilege to practice law
59 under this Rule.